

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARK GIRARDEAU, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:21-cv-01265-MTS
)	
JACK ANDREW HOBBS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the Court on Plaintiffs’ Motion for Leave To File a Second Amended Complaint, Doc. [37], in which Plaintiffs seek to amend their complaint to add additional defendants and “additional facts” that support “additional claims.” Doc. [37-2] at 1. Plaintiffs seek to add at least two limited liability companies as defendants. Doc. [37-1] ¶¶ 6, 7. But in the proposed Second Amended Complaint, Plaintiffs do not sufficiently allege the limited liability companies’ citizenship. *See GMAC Com. Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004) (holding, for diversity jurisdiction purposes, an LLC’s citizenship is the citizenships of all its members). The amendment as proposed therefore would be futile.¹ *See Geier v. Missouri Ethics Comm’n*, 715 F.3d 674, 678 (8th Cir. 2013). But the Court will deny amendment *without* prejudice so that Plaintiffs may again seek leave. In addition, for the ease of the Court and the parties, the Court requests that Plaintiffs add to each count’s heading of any new proposed Second Amended Complaint: the cause of action—including under what

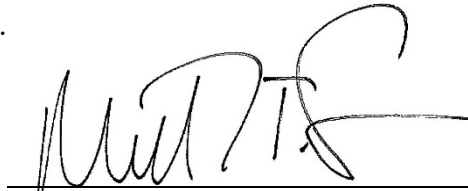
¹ Even if the Court would construe this portion of the Motion as one for the joinder of parties under Federal Rule of Civil Procedure 19, Plaintiffs still would be required to show the new parties “will not deprive the court of subject-matter jurisdiction.” Fed. R. Civ. P. 19(a)(1). *See also In re Genetically Modified Rice Litig.*, No. 4:06-md-1811-CDP, 2010 WL 3522301, at *1 (E.D. Mo. Sept. 2, 2010) (discussing the joinder of additional parties by amending a complaint versus through joinder rules).

jurisdiction's substantive law it is asserted—and against which Defendant(s) Plaintiffs assert the cause of action in that count.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Leave to File a Second Amended Complaint, Doc. [37], is **DENIED without prejudice**, consistent with this Memorandum and Order.

Dated this 25th day of January, 2022.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE